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combination. *ACS Hospital systems, Inc. v. Motefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Ehrenberger states that it was already known to transmit operational status information directly from the wayside equipment to a remote control center via various types of modems. (column 1, lines 25-27). Ehrenberger describes an invention directed to an improved technique for transmitting similar information to a passing locomotive. Accordingly, Ehrenberger provides no incentive for investigating alternative communication paths between the wayside equipment and a remote control center, since he is concerned only with the reliability of communication between the wayside equipment and the passing locomotive. A person skilled in the art at the time of the present invention would find no suggestion in Ehrenberger of a need for an improved communication link between wayside equipment and a remote control center.

Cardella describes a new process for diagnosing operational data from the locomotive. Only locomotive data is transmitted from the locomotive to a remote site in the system of Cardella. Cardella makes no mention of wayside equipment, and he provides no motivation for investigating alternative communication paths between wayside equipment and a central control center. Cardella actually teaches away from a combination with Ehrenberger because Cardella describes a satellite link, which is not directly compatible with the VHF and UHF radios described in Ehrenberger.

Accordingly, a person skilled in the art at the time of the present invention would derive no motivation from either Ehrenberger or Cardella for a combination of these two references, and thus the present invention is not *prima facie* obvious.

Should the Examiner persevere in the combination of Ehrenberger and Cardella, notwithstanding the applicant's position that there is no *prima facie* case for obviousness, the Examiner is requested to provide additional explanation for the rejection of each of the dependent claims. For example, the Examiner states that Ehrenberger describes a signal from the wayside device that contains a test signal; however, no column/line citation is provided, and the applicants find no test signal generated from a remote location that would make obvious the limitations of present claim 13. Other claims contain limitations that are not even addressed by the Examiner, such as claims 11 and 22 that contain limitations related to two-way communication between the remote location and the wayside location. Further, claim 13

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contains a limitation directed to testing circuitry for applying a test signal generated from a remote location; claim 19 contains a limitation directed to the sensor being disposed on the locomotive; claim 24 contains a limitation directed to a polling signal generated at a remote location; claim 28 contains limitations related to populating a failure database; and claim 29 contains limitations related to automatically populating a report from the failure database. The applicants find none of these limitations in the combination of Ehrenberger and Cardella. The Examiner is requested to provide drawing reference numbers and/or column/line citations for all such limitations in order to afford the applicants the opportunity to fully respond to the rejections under 35 USC 103.

Reconsideration of the application in light of the above Remarks and allowance of claims 1-31 are respectfully requested.

Respectfully submitted,



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